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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,155	09/15/2000	Joseph P. Ligoci Sr.	00-0384	2672

7590

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EXAMINER

DALENCOURT, YVES

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 06/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/663,155

Applicant(s)

LIGOCI SR. ET AL.

Examiner

Yves Dalencourt

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10 and 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

### **DETAILED ACTION**

This office action is responsive to amendment filed on 04/03/03.

#### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Therefore, "is disclosed" (line 1 in the abstract) is implied, and should be limited.

Please delete the subscripts at the bottom of the pages.

#### ***Response to Amendment***

The examiner has acknowledged the amended claims 1, 2, 4, 7, 8, and 10, the amended abstract, the cancellation of claims 3, 11, and the submission of claim 14.

#### ***Claim Rejections - 35 USC § 103***

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2 - 7, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryszard F. Szwed (US 5861799; hereinafter Szwed) in view of Fred Sterzer (US 4001822; hereinafter Sterzer), and further in view of Richard C. Walker (US 6157317; hereinafter Walker).

Regarding claims 1, 5, and 14, Szwed teaches a vehicle disabling system (figure 1) which comprises a vehicle control unit for positioning in a vehicle (16, figure 1; col. 3, lines 28 - 31); a central database station including memory for storing a plurality of identification codes of vehicle control units, an authorization code being associated in the memory with each of the identification codes of the vehicle control units (col. 4, lines 40 - 47); and a mobile law enforcement unit for positioning in a law enforcement vehicle (12 & 18, figure 1; col. 4, lines 28 - 31), the law enforcement unit including means for transmitting the stop signal with the authorization code via free space to the vehicle control unit upon the receipt of the authorization code from the central database station (col. 4, lines 27 - 59 ).

Szwed teaches all the limitations but fail to specifically teach a vehicle disabling system which comprises a vehicle control unit situated within a vehicle including a transceiver for transmitting and receiving signals via free space, the transceiver

Art Unit: 2635

including means for receiving an inquiry signal and transmitting an identification code upon the receipt of the inquiry signal; the law enforcement unit including a transceiver for transmitting and receiving signals via free space, the law enforcement unit including means for transmitting the inquiry signal to the vehicle control unit, the law enforcement unit including means for receiving an identification code from the vehicle control unit and transmitting the identification code to central database station.

However, Sterzer teaches in an art related field of vehicle identification system, an electronic license plate for motor vehicle which comprises a vehicle control unit situated within a vehicle including a transceiver for transmitting and receiving signals via free space, the transceiver including means for receiving an inquiry signal and transmitting an identification code upon the receipt of the inquiry signal; the law enforcement unit including a transceiver for transmitting and receiving signals via free space, the law enforcement unit including means for transmitting the inquiry signal to the vehicle control unit, the law enforcement unit including means for receiving an identification code from the vehicle control unit and transmitting the identification code to central database station (figure 5; col. 2, lines 28 – 53; paragraph bridging col. 7 & col. 8).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a vehicle control unit situated within a vehicle including a transceiver for transmitting and receiving signals via free space, the transceiver including means for receiving an inquiry signal and transmitting an identification code upon the receipt of the inquiry signal; the law enforcement unit

Art Unit: 2635

including a transceiver for transmitting and receiving signals via free space, the law enforcement unit including means for transmitting the inquiry signal to the vehicle control unit, the law enforcement unit including means for receiving an identification code from the vehicle control unit and transmitting the identification code to central database station in Szwed's device as evidenced by Sterzer because Szwed suggests using an inquiry between the law enforcement vehicle and the dispatcher to identify the vehicle and Sterzer further teaches an inquiry between the law enforcement and the vehicle for the purpose of remotely identifying or controlling a fast moving vehicle.

Szwed and Sterzer teach all the limitations, but fail to specifically teach that the vehicle control unit includes means for connection to an ignition system of the vehicle, the vehicle control unit including means for lowering an engine speed of the vehicle to an idle condition upon the receipt by the transceiver of a stop signal accompanied by an authorization code via free space within a predetermined amount of time after receipt of the inquiry signal.

However, Walker teaches, in the same field of endeavor, a secure communication and control system for monitoring, recording, reporting and/or restricting unauthorized use of vehicle which comprises a control unit that unit includes means for connection to an ignition system of the vehicle, the vehicle control unit including means for lowering an engine speed of the vehicle to an idle condition upon the receipt by the transceiver of a stop signal accompanied by an authorization code via free space within a predetermined amount of time after receipt of the inquiry signal (col. 13, lines 35 – 49; col. 14, lines 32 – 56; col. 21, lines 36 – 46).

Art Unit: 2635

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a vehicle control unit that unit includes means for connection to an ignition system of the vehicle, the vehicle control unit including means for lowering an engine speed of the vehicle to an idle condition upon the receipt by the transceiver of a stop signal accompanied by an authorization code via free space within a predetermined amount of time after receipt of the inquiry signal in Szwed and Sterzer's device as evidenced by Walker because Szwed suggests cutting the flow of fuel to the fuel line in order to stop the car and Walker further teaches lowering an engine speed of the vehicle to an idle condition for the purpose of preventing unauthorized use of a vehicle accounting for the possibility of the vehicle being in motion .

Regarding claims 2, 4, and 6 - 7, Szwed, Sterzer, and Walker teach all the limitations on claim 1, and Walker further teaches a vehicle control unit which includes means for connecting to at least one exterior light circuit of the vehicle such that exterior lights of the vehicle are flashable by the vehicle control unit upon receipt of the inquiry signal by the transceiver to provide external visual confirmation of receipt of the inquiry signal by the vehicle control unit (claim 2); and which includes means for connecting to a horn of the vehicle such that the vehicle control unit actuates the horn of the vehicle upon the receipt by the transceiver of a stop signal accompanied by an authorization code via free space within a predetermined amount of time after receipt of the inquiry signal (claim 4) (col. 24, lines 17 – 39).

Claims 8 – 10 and 12 - 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryszard F. Szwed (US 5861799; hereinafter Szwed) in view of Fred Sterzer (US 4001822; hereinafter Sterzer), and further in view of Richard C. Walker (US 6157317; hereinafter Walker).

Regarding claims 8 – 10, Szwed teaches a method of disabling a vehicle (figure 1) which comprises the steps of providing a vehicle control unit for positioning in the vehicle (16, figure 1; col. 3, lines 28 - 31); providing a central database station including memory for storing a plurality of identification codes of vehicle control units, the memory of the central database storing an authorization code associated with each of the identification codes of the vehicle control units (col. 4, lines 40 - 47); providing a mobile law enforcement unit for positioning in a law enforcement vehicle ( 12 & 18, figure 1; col. 4, lines 28 - 31); transmitting a stop signal from the law enforcement unit to the vehicle control unit; and matching an authorization code from the memory of the central database station to the identification code (col. 4, lines 27 – 59).

Szwed teaches all the limitations but fail to specifically teach a method of disabling a vehicle which comprises the steps of providing a vehicle control unit which includes a transceiver for transmitting and receiving signals via free space; transmitting an inquiry signal from the law enforcement unit to the vehicle control unit ; transmitting an identification code from the vehicle control unit to the law enforcement unit; and transmitting the identification code from the law enforcement to the central database station.



However, Sterzer teaches in an art related field of vehicle identification system, an electronic license plate for motor vehicle which comprises the steps of providing a vehicle control unit which includes a transceiver for transmitting and receiving signals via free space; transmitting an inquiry signal from the law enforcement unit to the vehicle control unit ; transmitting an identification code from the vehicle control unit to the law enforcement unit; and transmitting the identification code from the law enforcement to the central database station (figure 5; col. 2, lines 28 – 53; paragraph bridging col. 7 & col. 8).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the steps of providing a vehicle control unit which includes a transceiver for transmitting and receiving signals via free space; transmitting an inquiry signal from the law enforcement unit to the vehicle control unit ; transmitting an identification code from the vehicle control unit to the law enforcement unit; and transmitting the identification code from the law enforcement to the central database station in Szwed's device as evidenced by Sterzer because Szwed suggests using an inquiry between the law enforcement vehicle and the dispatcher to identify the vehicle and Sterzer further teaches an inquiry between the law enforcement and the vehicle for the purpose of remotely identifying or controlling a fast moving vehicle.

Szwed and Sterzer teach all the limitations, but fail to specifically teach that the vehicle control unit includes means for connection to an ignition system of the vehicle, the vehicle control unit including means for lowering an engine speed of the vehicle to an idle condition upon the receipt by the transceiver of a stop signal accompanied by an

Art Unit: 2635

authorization code via free space within a predetermined amount of time after receipt of the inquiry signal.

However, Walker teaches, in the same field of endeavor, a secure communication and control system for monitoring, recording, reporting and/or restricting unauthorized use of vehicle which comprises a control unit that unit includes means for connection to an ignition system of the vehicle, the vehicle control unit including means for lowering an engine speed of the vehicle to an idle condition upon the receipt by the transceiver of a stop signal accompanied by an authorization code via free space within a predetermined amount of time after receipt of the inquiry signal (col. 13, lines 35 – 49; col. 14, lines 32 – 56).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a vehicle control unit that unit includes means for connection to an ignition system of the vehicle, the vehicle control unit including means for lowering an engine speed of the vehicle to an idle condition upon the receipt by the transceiver of a stop signal accompanied by an authorization code via free space within a predetermined amount of time after receipt of the inquiry signal in Szwed and Sterzer's device as evidenced by Walker because Szwed suggests cutting the flow of fuel to the fuel line in order to stop the car and Walker further teaches lowering an engine speed of the vehicle to an idle condition for the purpose of preventing unauthorized use of a vehicle accounting for the possibility of the vehicle being in motion.

Regarding claims 12 and 13, Szwed, Sterzer, and Walker teach all the limitations on claim 10, and Walker further teaches a method of disabling a vehicle which comprises the steps of actuating a horn of the vehicle upon the receipt by the vehicle control unit of the stop signal accompanied by the authorization code (claim 12); and flashing exterior lights of the vehicle by the vehicle control unit upon receipt of the inquiry signal by the vehicle control unit to provide external visual confirmation of receipt of the inquiry signal by the vehicle control unit (claim 13) (col. 24, lines 17 – 39).

#### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (703) 308-8547. The examiner can normally be reached on M-TH 7:30AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Application/Control Number: 09/663,155  
Art Unit: 2635

Page 11

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Yves Dalencourt

*Y.D.*  
June 13, 2003

*Michael Horwicz*  
*SPE AU2635*  
*Michael Horwicz*